

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES KERN,

Plaintiff,

v.

JIM COOPER, et al.,

Defendants.

No. 2:23-cv-0618 AC P

ORDER

Plaintiff is a former county and current state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed November 8, 2023, the court screened the complaint and found that plaintiff had stated claims for relief against Does 1-3. ECF No. 12. The undersigned later granted plaintiff's request for a subpoena form and service by the United States Marshal after plaintiff submitted evidence that the jail was refusing to provide him with the information regarding defendants' identities without a subpoena. ECF No. 16. Plaintiff proceeded to return the subpoena form but it was not properly completed. As a result, plaintiff was given another opportunity to submit a completed subpoena form and advised on what information the form needed to include. ECF No. 22.

Plaintiff was advised that

the subpoena must identify the person from whom he is seeking to compel documents and the address at which they can be served. Furthermore, in the "Place" and "Date and Time" sections of the

subpoena, plaintiff should identify where the documents responsive to the request should be sent and the date by which a response is due. Plaintiff is advised that any deadline for responding to the subpoena must be reasonable (e.g., thirty days from service of the subpoena). The subpoena should also specify that plaintiff is seeking documentation identifying the defendants, along with any information he has regarding the defendants' identities. This information can be provided as an attachment to the subpoena.

Id. at 2 (footnotes omitted).

Plaintiff has once again returned a subpoena form but has failed to follow the court's instructions on how to complete the form. ECF No. 23. Although plaintiff has followed most of the instructions provided by the court, instead of providing information related to identifying the defendants, he summarized the conditions he was subjected to and provided names of officers who were aware of his situation.

Plaintiff will be given one final chance to complete and return a subpoena form. He should follow all previous instructions provided regarding how to fill out a subpoena. With respect to identifying the defendants, he should state that he is seeking documentation to identify the defendants and then list each Doe defendant separately (e.g., Doe 1, Doe 2, Doe 3), followed by information that will allow the jail to identify them, such as a physical description of each individual and the date, time, and location where they were working. If plaintiff fails to return a properly completed form and does not move to substitute in named defendants, the undersigned will recommend that this action be dismissed without prejudice for failure to complete service. See Fed. R. Civ. P. 4(m).

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to provide plaintiff with a signed but otherwise blank Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action; and

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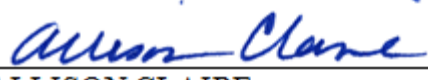
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1           2. Within twenty-one days from the service of this order, plaintiff shall complete the  
2 attached Notice of Submission of Documents and submit it to the court with the completed  
3 subpoena.

4 DATED: April 2, 2024

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6 ALLISON CLAIRE  
7 UNITED STATES MAGISTRATE JUDGE  
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NOTICE OF SUBMISSION OF  
DOCUMENTS

Plaintiff submits the following document in compliance with the court's order filed

\_\_\_\_\_:

\_\_\_\_\_ 1 \_\_\_\_\_ completed Subpoena to Produce Documents, Information, or Objects or to  
Permit Inspection of Premises in a Civil Action

DATED:

\_\_\_\_\_  
Plaintiff